

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOVAPLAST CORPORATION,

Plaintiff,

v.

INPLANT, LLC, et al.,

Defendants.

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Hon. Kevin McNulty
Civil Action No. 20-7396

PRETRIAL SCHEDULING ORDER

THIS MATTER having come before the Court for a scheduling conference pursuant to Rule 16 of the Federal Rules of Civil Procedure on February 14, 2022; and for good cause shown:

IT IS on this 14th day of February, 2022,

ORDERED THAT:

1. A telephone status conference shall be held before the undersigned on **5/23/2022 at 10:30 A.M.** Counsel for Plaintiff is directed to initiate the call to (973) 776-7700. If the conference is going to be conducted via dial-in, the parties are instructed to call Chambers once everyone is on the line and provide the dial-in information at that time. Dial-in numbers will not be accepted prior to the conference. The parties are to submit a joint status letter no later than **5/18/2022**, itemizing the issues counsel would like to discuss in the upcoming conference.
2. Any discovery dispute shall be brought to the Court's attention in the first instance by letter or by telephone conference call immediately after the parties' good faith attempt to resolve the dispute has failed. *See* L. Civ. R. 16.1(f)(1). No discovery motion or motion for sanctions for failure to provide discovery shall be made without prior leave of Court.
3. Discovery shall proceed as set forth in Exhibit 1 to this Order.
4. **FAILURE TO FOLLOW THIS ORDER WILL RESULT IN SANCTIONS PURSUANT TO Fed. R. Civ. P. 16(f) and Fed. R. Civ. P. 37.**

s/ James B. Clark, III

JAMES B. CLARK, III

United States Magistrate Judge

EXHIBIT 1

Event	Proposed Dates
Parties exchange Rule 26(a) Initial Disclosures	February 14, 2022
Parties file Discovery Confidentiality Order (<i>see</i> L. Pat. R. 2.2)	February 28, 2022
Plaintiff serves Disclosure of Asserted Claims and Infringement Contentions and makes associated document production (<i>see</i> L. Pat. R. 3.1 and 3.2)	February 28, 2022
Defendants serve Non-Infringement and Invalidity contentions, and make associated document productions (<i>see</i> L. Pat. R. 3.2A, 3.3, and 3.4)	April 14, 2022
Plaintiff serves Responses to Invalidity Contentions and makes associated document production (<i>see</i> L. Pat. R. 3.4A)	April 28, 2022
Parties exchange proposed claim terms for construction (<i>see</i> L. Pat. R. 4.1)	May 12, 2022
Last day to seek to add new parties or amend pleadings	May 27, 2022
Parties exchange preliminary proposed constructions and identification of intrinsic and extrinsic supporting evidence (<i>see</i> L. Pat. R. 4.2(a)-(b))	June 2, 2022
Parties exchange identifications of all intrinsic and extrinsic evidence they intend to rely upon in opposing any proposed claim construction and thereafter meet and confer to narrow issues (<i>see</i> L. Pat. R. 4.2(c)-(d))	June 16, 2022
Parties file Joint Claim Construction and Prehearing Statement (<i>see</i> L. Pat. R. 4.3)	July 5, 2022
Parties complete all fact discovery relating to claim construction (<i>see</i> L. Pat. R. 4.4)	August 4, 2022
Parties file Opening <i>Markman</i> Briefs (<i>see</i> L. Pat. R. 4.5(a))	August 19, 2022
Parties complete all expert discovery pertaining to <i>Markman</i> issues (<i>see</i> L. Pat. R. 4.5(b))	September 19, 2022
Parties file Responding <i>Markman</i> Briefs (<i>see</i> L. Pat. R. 4.5(c))	October 18, 2022
Parties to submit to the Court a proposed schedule for a <i>Markman</i> Hearing (<i>see</i> L. Pat. R. 4.6)	November 1, 2022
<i>Markman</i> hearing	Q4 2022 or Q1 2023
Close of fact discovery	60 days after the Court's <i>Markman</i> Opinion/Order
Substantial Completion of Document Production	60 days after the Court's <i>Markman</i> Opinion/Order
Parties serve opening expert reports on issues for which the party bears the burden of proof	30 days after the close of fact discovery
Parties serve rebuttal expert reports	30 days after service of opening expert reports

TBD

EXHIBIT 1

Parties serve reply expert reports (limited to issues that are newly, but properly, raised in a rebuttal report)	14 days after service of rebuttal expert reports
Close of expert discovery	30 days after service of reply expert reports
Deadline to seek leave to file dispositive motions and schedule teleconference with Court regarding same (<i>see</i> Judge Clark's Judicial Preferences)	14 days after the close of expert discovery
Deadline to file dispositive motions	30 days after Court teleconference to discuss a party's request for leave to file dispositive motions
Oppositions to dispositive motions	30 days after filing of opening papers
Replies in support of dispositive motions	21 days after filing of opposition papers
Pretrial Order	TBD
Pretrial Conf.	TBD
Trial	TBD